

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 463, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the
- 5 administration and collection of the annual license excise tax imposed
- 6 by this chapter, may utilize the services and facilities of license
- 7 branches operated under IC 9-16 in its administration of the motor
- 8 vehicle registration laws of the state of Indiana. The license branches
- 9 may be so utilized in accordance with such procedures, in such manner,
- 10 and to such extent as the bureau shall deem necessary and proper to
- 11 implement and effectuate the administration and collection of the
- 12 excise tax imposed by this chapter. However, in the event the bureau
- 13 shall utilize such license branches in the collection of excise tax, the
- 14 following apply:
- 15 (1) The excise taxes so collected by each license branch, less any
- 16 refunds made by the license branch, shall be deposited daily by
- 17 the license branch in a separate account in a depository duly
- 18 designated by the state board of finance. The county treasurer of
- 19 the county for which the collections are due may withdraw funds
- 20 from the account at least two (2) times each week. The county
- 21 treasurer is responsible for the safekeeping and investment of

1 money withdrawn by the county treasurer under this subsection.
2 Before the eleventh day of the month following the month in
3 which the collections are made, the bureau of motor vehicles shall
4 report the excise taxes collected and refunds made outside the
5 county to the county treasurer of the county to which the
6 collections are due and the refunds apply. The bureau shall
7 forward a copy of this excise tax report to the county auditor of
8 the county.

9 (2) A license branch shall each week forward a report to the
10 county auditor of the county to whom the collections are due,
11 showing the excise tax collected on each vehicle, each refund on
12 a vehicle, and a copy of each registration certificate for all
13 collections and refunds within the county.

14 (3) Each license branch shall also report to the bureau all excise
15 taxes collected and refunds made under this chapter in the same
16 manner and at the same time as registration fees are reported.

17 (4) Premiums for insurance to protect the funds collected by
18 license branches against theft shall be paid by the bureau, except
19 that the bureau may issue blanket coverage for all branches at its
20 discretion. At the discretion of the bureau, the bureau may:

21 (A) self-insure to cover the activities of the license branches;
22 or

23 (B) rather than purchase a bond or crime policy for each
24 branch, purchase a single blanket bond or crime insurance
25 policy endorsed to include faithful performance to cover all
26 branches.

27 (5) If the services of a license branch are used by the bureau in the
28 collection of the excise tax imposed by this chapter, the license
29 branch shall collect the service charge prescribed under IC 9-29
30 for each vehicle registered upon which an excise tax is collected
31 by that branch.

32 (6) If the excise tax imposed by this chapter is collected by the
33 department of state revenue, the money collected shall be
34 deposited in the state general fund to the credit of the appropriate
35 county and reported to the bureau of motor vehicles on the first
36 working day following the week of collection. Except as provided
37 in subdivision (7), any amount collected by the department which
38 represents interest or a penalty shall be retained by the department
39 and used to pay its costs of enforcing this chapter.

40 (7) This subdivision applies only to interest or a penalty collected
41 by the department of state revenue from a person who:

42 (A) fails to properly register a vehicle as required by IC 9-18

and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register

vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

(1) the tax paid for the vehicle; reduced by

(2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; and

- (B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

- (A) ten percent (10%) of the owner's excise tax liability

1 computed as of the time the owner would have been required
 2 to register if there had been no name change; and
 3 (B) the number of full calendar months between the month in
 4 which the owner would have been required to register if there
 5 had been no name change and the owner's new regular annual
 6 registration month.

7 (g) In order to claim a credit under subsection (e) for a vehicle that
 8 is destroyed, the owner of the vehicle must present to the bureau of
 9 motor vehicles a valid registration for the vehicle within ninety (90)
 10 days of the date that it was destroyed. The bureau shall then fix the
 11 amount of the credit that the owner is entitled to receive.

12 **(h) This section expires December 31, 2007.**

13 SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2007]: **Sec. 7.2. (a) This section applies after December 31, 2007.**

16 **(b) In respect to a vehicle that has been acquired, or brought**
 17 **into the state, or for any other reason becomes subject to**
 18 **registration after the regular annual registration date in the year**
 19 **on or before which the owner of the vehicle is required, under the**
 20 **motor vehicle registration laws of Indiana, to register vehicles, the**
 21 **tax imposed by this chapter shall become due and payable at the**
 22 **time the vehicle is acquired, brought into the state, or otherwise**
 23 **becomes subject to registration, and the amount of tax to be paid**
 24 **by the owner for the remainder of the year shall be reduced by**
 25 **eight and thirty-three hundredths percent (8.33%) for each full**
 26 **calendar month that has elapsed since the regular annual**
 27 **registration date in the year fixed by the motor vehicle registration**
 28 **laws for annual registration by the owner. The tax shall be paid at**
 29 **the time of the registration of the vehicle.**

30 **(c) In the case of a vehicle that is acquired, or brought into the**
 31 **state, or for any other reason becomes subject to registration after**
 32 **January 1 of any year, then the owner may pay the applicable**
 33 **registration fee on the vehicle as provided in the motor vehicle**
 34 **registration laws and any excise tax due on the vehicle for the**
 35 **remainder of the annual registration year and simultaneously**
 36 **register the vehicle and pay the applicable registration fee and the**
 37 **excise tax due for the next succeeding annual registration year.**

38 **(d) Except as provided in subsection (f), no reduction in the**
 39 **applicable annual excise tax will be allowed to an Indiana resident**
 40 **applicant upon registration of any vehicle that was owned by the**
 41 **applicant on or prior to the registrant's annual registration period.**
 42 **A vehicle owned by an Indiana resident applicant that was located**

1 in and registered for use in another state during the same calendar
2 year shall be entitled to the same reduction when registered in
3 Indiana.

4 (e) The owner of a vehicle who sells the vehicle in a year in
5 which the owner has paid the tax imposed by this chapter shall
6 receive a credit equal to the remainder of:

7 (1) the tax paid for the vehicle; reduced by

8 (2) eight and thirty-three hundredths percent (8.33%) for
9 each full or partial calendar month that has elapsed in the
10 registrant's annual registration year before the date of the
11 sale.

12 The credit shall be applied to the tax due on any other vehicle
13 purchased or subsequently registered by the owner in the same
14 registrant's annual registration year. If the credit is not fully used
15 and the amount of the credit remaining is at least four dollars (\$4),
16 the owner is entitled to a refund in the amount of the unused credit.
17 The owner must pay a fee of three dollars (\$3) to the bureau to
18 cover costs of providing the refund, which may be deducted from
19 the refund. The bureau shall issue the refund. The bureau shall
20 transfer to the bureau of motor vehicles commission three dollars
21 (\$3) of the fee to cover the commission's costs in processing the
22 refund. To claim the credit and refund provided by this subsection,
23 the owner of the vehicle must present to the bureau proof of sale of
24 the vehicle.

25 (f) Subject to the requirements of subsection (g), the owner of a
26 vehicle that is destroyed in a year in which the owner has paid the
27 tax imposed by this chapter, which vehicle is not replaced by a
28 replacement vehicle for which a credit is issued under this section,
29 shall receive a refund in an amount equal to eight and thirty-three
30 hundredths percent (8.33%) of the tax paid for each full calendar
31 month remaining in the registrant's annual registration year after
32 the date of destruction, but only upon presentation or return to the
33 bureau of the following:

34 (1) A request for refund on a form furnished by the bureau.

35 (2) A statement of proof of destruction on an affidavit
36 furnished by the bureau.

37 (3) The license plate from the vehicle.

38 (4) The registration from the vehicle.

39 However, the refund may not exceed ninety percent (90%) of the
40 tax paid on the destroyed vehicle. The amount shall be refunded by
41 a warrant issued by the auditor of the county that received the
42 excise tax revenue and shall be paid out of the special account

1 created for settlement of the excise tax collections under
2 IC 6-6-5-10. For purposes of this subsection, a vehicle is considered
3 destroyed if the cost of repair of damages suffered by the vehicle
4 exceeds the vehicle's fair market value.

5 (g) If the name of the owner of a vehicle is legally changed and
6 the change has caused a change in the owner's annual registration
7 date, the excise tax liability of the owner shall be adjusted as
8 follows:

9 (1) If the name change requires the owner to register sooner
10 than the owner would have been required to register if there
11 had been no name change, the owner shall, at the time the
12 name change is reported, be authorized a refund from the
13 county treasurer in the amount of the product of:

14 (A) eight and thirty-three hundredths percent (8.33%) of
15 the owner's last preceding annual excise tax liability; and

16 (B) the number of full calendar months between the
17 owner's new regular annual registration month and the
18 next succeeding regular annual registration month that is
19 based on the owner's former name.

20 (2) If the name change required the owner to register later
21 than the owner would have been required to register if there
22 had been no name change, the vehicle shall be subject to
23 excise tax for the period between the month in which the
24 owner would have been required to register if there had been
25 no name change and the new regular annual registration
26 month in the amount of the product of:

27 (A) eight and thirty-three hundredths percent (8.33%) of
28 the owner's excise tax liability computed as of the time the
29 owner would have been required to register if there had
30 been no name change; and

31 (B) the number of full calendar months between the month
32 in which the owner would have been required to register if
33 there had been no name change and the owner's new
34 regular annual registration month.

35 (h) In order to claim a credit under subsection (e) for a vehicle
36 that is destroyed, the owner of the vehicle must present to the
37 bureau of motor vehicles a valid registration for the vehicle within
38 ninety (90) days of the date that it was destroyed. The bureau shall
39 then fix the amount of the credit that the owner is entitled to
40 receive.

41 SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of

a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

- (1) the owner registers the vehicle for use in another state; and
- (2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus
- (2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

This subsection expires December 31, 2007.

(c) This section applies after December 31, 2007. The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus**
- (2) eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.**

~~(c)~~ **(d)** To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

- (1) a request for a refund on a form furnished by the bureau; and
- (2) proof that a tax described in subsection (a)(2) was paid."

Page 6, line 33, after "applicant" insert ":".

Page 6, line 33, delete "is a:".

Page 6, delete lines 34 through 37, begin a new line block indented and insert:

- "(1) is a citizen or national of the United States;**
- (2) is an alien lawfully admitted for permanent or temporary residence in the United States;**
- (3) has conditional permanent resident status in the United States;**
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;**
- (5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;**
- (6) has a pending application for asylum in the United States;**
- (7) has a pending or approved application for temporary protected status in the United States;**

(8) has approved deferred action status; or
(9) has a pending application for adjustment of status to that
of an alien lawfully admitted for permanent residence in the
United States or conditional permanent resident status in the
United States."

Page 7, delete lines 25 through 37, begin a new paragraph and insert:

"(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires."

Page 9, delete lines 30 through 31.

Page 9, line 32, delete "(2)" and insert "(1)".

Page 9, line 34, delete "(3)" and insert "(2)".

Page 9, line 35, delete "(4)" and insert "(3)".

Page 9, line 37, delete "(5)" and insert "(4)".

Page 9, line 38, delete "(6)" and insert "(5)".

Page 11, delete lines 17 through 18, begin a new paragraph and insert:

"(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1),"

Page 11, delete lines 21 through 22, begin a new paragraph and insert:

"(c) When the applicant complies with IC 9-24-16-3.5 (1)(E) though IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection"

Page 12, delete lines 11 through 24, begin a new paragraph and insert:

"(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 15, delete lines 2 through 3.

Page 15, line 4, delete "(2)" and insert "(1)".

Page 15, line 6, delete "(3)" and insert "(2)".

Page 15, line 7, delete "(4)" and insert "(3)".

Page 15, line 9, delete "(5)" and insert "(4)".

Page 15, line 10, delete "(6)" and insert "(5)".

Page 15, line 25, after "applicant" insert ":".

Page 15, line 25, delete "is a:".

Page 15, delete lines 26 through 29, begin a new line double block indented and insert:

"(A) is a citizen or national of the United States;

(B) is an alien lawfully admitted for permanent or temporary residence in the United States;

(C) has conditional permanent resident status in the United States;

(D) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(E) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(F) has a pending application for asylum in the United States;

(G) has a pending or approved application for temporary protected status in the United States;

(H) has approved deferred action status; or

(I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and".

Page 16, delete lines 1 through 13, begin a new paragraph and insert:

"(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted

1 **to the individual to remain in the United States, the earlier of**
 2 **the following:**

3 **(A) At midnight of the date the authorization of the holder**
 4 **to be a legal permanent resident or conditional resident**
 5 **alien of the United States expires."**

6 Page 16, line 21, delete "3.5(1)(C)" and insert "**3.5(1)(E) through**
 7 **3.5(1)(I)**".

8 Page 16, delete lines 37 through 42, begin a new paragraph and
 9 insert:

10 **"(e) A renewed identification card issued under this article after**
 11 **December 31, 2007, to an applicant who complies with section**
 12 **3.5(1)(E) through 3.5(1)(I) of this chapter expires:**

13 **(1) at midnight one (1) year after issuance, if there is no**
 14 **expiration date on the authorization granted to the individual**
 15 **to remain in the United States; or**

16 **(2) if there is an expiration date on the authorization granted**
 17 **to the individual to remain in the United States, the earlier of**
 18 **the following:**

19 **(A) At midnight of the date the authorization of the holder**
 20 **to be a legal permanent resident or conditional resident**
 21 **alien of the United States expires."**

22 Page 17, delete lines 1 through 7.

23 Renumber all SECTIONS consecutively.

(Reference is to SB 0463 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Wyss, Chairperson